S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5996/2007
(Subhash Chander Vs. State of Rajasthan)

DATE OF ORDER : 10/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. H.S.S.Kharlia for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that for the same occurrence, two FIRs have been registered by the first informant one at Rawatsar and other at Hanumangarh. The FIR lodged at Hanumangarh on the same set of facts being FIR No. 509/2000 dated 6.9.2000 has been thoroughly investigated by the police and the police submitted a negative final report before the concerned Judicial Magistrate and the same has been accepted by the Judicial Magistrate. On the same set of facts, the instant FIR has been registered at police station, Rawatsar being FIR No. 153/2000 in that FIR, co-accused Avinash has been granted bail by this Court after arrest. The allegation is forging of partnership deed in para 4 and the beneficiary of which is co-accused Avinash.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s

438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Subhash Chander S/o Darbarilal in FIR No. 153/2000 P.S. Rawatsar, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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